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SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF CALIFORNIA,
a California Non-Profit Religious
Corporation, CHURCH OF SCIENTOLOGY
INTERNATIONAL, a California Non-Profit
Religious Corporation,

CASE NO.

(NAMES OF 20 OFFICIALS. OF ABOVE
CORPORATIONS)

vs.

AUTHOR SERVICES, INC., a California
For-Profit Corporation, RELIGIOUS TECH-
NOLOGY CENTER, a California Non-Profit
Religious Corporation, DAVID MISCAVIGE,
ANN BROEKER, PAT BROEKER, SHERMAN LENSKE,
JOHN PETERSON, LYMAN SPURLOCK, TERRI GAMBOA,
NORMAN STARKEY, MARK YAEGER, RAY MITHOFF,
(any other defendant individuals deemed
appropriate who are in control of Church
assets)

COMPLAINT FOR:

1. DECLARATORY
RELIEF;
2. INJUNCTIVE
RELIEF;
3. BREACH OF
FIDUCIARY DUTY;
4. CONVERSION;
5. CONSTRUCTIVE
TRUST;
6. ACCOUNTING;
7. RESTITUTION;
8. VIOLATION OF
CORPORATIONS
CODE, 59243 (SE-
INTERESTED DIR-
TOR DEALINGS);

INTRODUCTION

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2
3 (1) Plaintiffs and defendants constitute corporations
4 and members and officials of corporations relating to the
5 Church of Scientology. Plaintiffs seek declaratory relief
6 declaring their right to control moneys and assets of the
7 Church of Scientology. Plaintiffs further seek an accounting
8 and restitution of moneys unlawfully expended, converted and
9 alienated by the defendants for tortious, illegal and criminal
10 purposes, as set forth in this Complaint. Plaintiffs further
11 seek injunctive relief prohibiting the defendants from trans-
12 ferring, alienating or dissipating moneys or assets of the
13 Church of Scientology and enjoining defendants from conducting
14 or exercising any dominion or control over said Church assets.

15
16 (2) The Church of Scientology was founded by L.
17 Ron Hubbard on or about 1952. Between 1952 and March 1980,
18 the Church of Scientology grew into many different corporations
19 world wide, all of which were totally dominated and controlled
20 by L. Ron Hubbard during said period. Hubbard exercised com-
21 plete dominion over said Scientology corporations by requiring
22 the officers and directors of each corporation to sign a
23 written resignation in advance of their assuming the position,
24 and Hubbard held said resignations, removing officers and
25 directors of the various corporations at will throughout the
26 period from early 1952 until March 1980.

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1 (3) L. Ron Hubbard also exercised complete dominion
2 and control over all Scientology corporations through an
3 organization called the "Guardian's Office," which organi-
4 zation was headed by Hubbard's wife, Mary Sue Hubbard, and
5 which organization between 1966 and early 1981, constituted
6 the management organization totally controlling all Church
7 of Scientology funds and property. Between the later part of
8 1979 and mid-1980, the eleven highest officials of the Guar-
9 dian's Office, including Mary Sue Hubbard, were convicted
10 of a variety of crimes by the United States Government, which
11 resulted in the incarceration of said individuals and a
12 vacuum in the management and leadership of the Church of
13 Scientology.

14

15 (4) On or about March 1980, L. Ron Hubbard left the
16 premises of the Church of Scientology in Hemet, California,
17 and vanished. At the time Hubbard disappeared, there were
18 pending Grand Juries in New York and elsewhere investigating
19 criminal activities by L. Ron Hubbard, Mary Sue Hubbard and
20 the Guardian's Office. L. Ron Hubbard had previously been
21 convicted of criminal fraud in France. Also in early 1980,
22 various individuals commenced lawsuits against L. Ron Hubbard
23 and the Church of Scientology alleging a variety of torts com-
24 mitted against them.

25

26 (5) As a result of the conviction and incarceration
27 of the eleven highest members of the Church of Scientology
28 and the disappearance of L. Ron Hubbard into hiding, between

1 approximately early 1981 and continuing to the present,
2 there has been continuous conflict and dispute over the
3 management and control of moneys and property of the Church
4 of Scientology. Plaintiffs allege that the defendants are
5 currently controlling Scientology bank accounts, property
6 and exercising dominion and control over the assets of the
7 corporations without possessing the requisite corporate
8 authority to do so, in violation of the charters of the various
9 corporations, and in violation of state and federal law.

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(6) On or about October , 1984, the defendants,

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15 (list names of individuals indicted) were indicted by the
16 Canadian Government for a wholesale pattern of criminal
17 activity primarily relating to the use of non-profit, tax-
18 exempt funds of the Church of Scientology for illegal and
19 criminal purposes. The indictment of the aforesaid individuals
20 and the expenditure of Church funds by said individuals for
21 illegal and criminal purposes has resulted in the removal of
22 the defendants from any official position within the Church
23 of Scientology. In spite of their removal, however, defendants
24 continue to control all of the bank accounts of the Church of
25 Scientology and continue to use said bank accounts for illegal
26 and criminal purposes.

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PARTIES - DEFENDANT

(31) David Miscavige, defendant, currently controls and totally dominates all Church of Scientology moneys, assets and property throughout the world. He has no "official" position in the Church and claims authority to exercise such total control solely on the basis of his allegedly receiving secret "order" from Hubbard, which "orders" are obeyed by other Church officials and members solely on the belief that Hubbard is directing Miscavige in the control of Church assets. Miscavige is approximately 22 years old, and has been in the Church of Scientology since approximately the age of 9 never having graduated from the eighth grade. Miscavige assumed control of assets of the Church of Scientology as hereinafter set forth in June 1981. He is currently Chairman of the Board of Author Services, Inc. (ASI), through which he controls assets of the Church of Scientology.

(32) Ann and Pat Broeker, defendants, are husband and wife and hold no official position in the Church of Scientology. They are currently in hiding with L. Ron Hubbard. Pat Broeker communicates Hubbard's orders to Miscavige. Broeker and Miscavige together control approximately \$450 dollars of Church assets without authority to do so.

(33) Sherman Lenske, defendant, is the attorney for David Miscavige. He purports to represent the interests of the Church of Scientology, and L. Ron Hubbard and he has received millions of dollars of Church funds in connection

1 said representations authroized by Miscavige. Jenske has
2 served as an attorney for either Hubbard or the Church of
3 Scientology from approximately 1977 to the present and as
4 hereinafter set forth, he was engaged in many unlawful acts
5 and also acts in violation of the Canons of Ethics.

6

7 (34) John Peterson, defendant, is an attorney repre-
8 senting David Miscavige and the Church of Scientology. Since
9 at least 1980, Peterson as hereinafter set forth, has engaged
10 in many unlawful acts in violation of the Canons of Ethics.
11 He has illegally received millions of dollars of Church
12 assets.

13

14 (35) Norman Starkey, defendant, is a subordinate
15 of Miscavige, who receives his orders and directions from
16 Miscavige and together with other individual defendants,
17 Miscavige and Spurlock, he controls Church assets and property
18 through ASI.

19

20 (36) Lyman Spurlock, defendant, is a subordinate
21 of Miscavige, who is currently in charge of all Church of
22 Scientology finances and assets throughout the world.
23 Spurlock, together with Miscavige, May and Starkey control
24 Church assets through ASI.

25

26 (37) Terri Gamboa, defendant, is a subordinate of
27 Miscavige, an officer of ASI, who receives orders and direc-
28 tions from Miscavige and through ASI, exercises control and

1 dominion over assets of the Church of Scientology.

2
3 (38) Author Services, Inc. is a California for
4 profit corporation with offices at 6464 Sunset Boulevard,
5 Los Angeles. Since approximately January 1982, ASI has
6 unlawfully through David Miscavige, received in excess of
7 40 million dollars of Church fo Scientology income and assets
8 for the purpose of transferring said income and assets to
9 foreign bank accounts in Liechtenstein and Luxembourg. As
10 hereinafter set forth, ASI has violated the California cor-
11 porations code, and acted in breach of its fiduciary duty
12 to the Churches of Scientology. ASI is currently unlawfully
13 in control of Church of Scientology assets and property.

14

15

16 FACTUAL ALLEGATIONS

17

18 (39) In approximately March 1980, upon the dis-
19 appearance of L. Ron Hubbard, the assets and property of
20 the Church of Scientology were not under the control of
21 any Scientology corporation or its officers or directors.
22 Although each Scientology corporation had a charter, a Board
23 of Directors and officers, said charter, Board of Directors,
24 and officers had no actual authority or control of any nature
25 or description. In 1966, when Hubbard resigned his position
as "executive Director International" of all-Chruches of
Scientology throughout the world, which was the highest
executive management post, he simultaneously created the

1 "Guardian's Office" and designated his wife, Mary Sue Hubbard,
2 as "controller" of all Scientology organizations throughout
3 the world and over the Guardian's Office. Between 1966 and
4 early 1981, L. Ron Hubbard, Mary Sue Hubbard, and the Guardian's
5 Office exercised total control over all Church assets, bank
6 accounts, property, and trademarks.

7
8 (40) Beginning in 1980, and continuing to the pre-
9 sent, after the indictment and conviction of Mary Sue Hubbard
10 and other high-level Scientology officials, David Miscavige,
11 Pat Broeker, Sherman Lenske, John Peterson and Lyman Spurlock
12 gradually began to assume complete dominion and control
13 over all Scientology assets and property throughout the
14 world, although they received no corporate authority to do
15 so. In early 1981, Hubbard, even though he held no official
16 position in any Scientology corporation, allegedly authorized
17 Miscavige to take control of Church assets. At the same time,
18 Hubbard appointed William Franks as "Executive Director Interna-
19 tional" and ordered Franks to become a signatory on those
20 bank accounts in Luxembourg containing approximately \$150
21 million dollars. Although Franks held the highest official
22 management position in the Church of Scientology, he received
23 his daily orders from Miscavige upon the representation that
24 Hubbard was issuing daily dispatches to Broeker and then to
25 Miscavige and that said dispatches contained orders which must
26 be followed in the distribution of assets of the Church of
27 Scientology. Franks himself was required to sign an undated
28 letter of resignation as "Executive Director International."

1 (41) Between June 1981 and December 1981, conflict
2 developed between Miscavige and Franks over control of Church
3 bank accounts. In November 1981, Miscavige had Franks
4 physically locked up in a room for several weeks while
5 Miscavige assumed control of all corporate bank accounts, and
6 other assets. Throughout this period, Miscavige was repre-
7 sented by attorneys Sherman Lenske and John Peterson, and
8 Miscavige paid them millions of dollars in attorneys' fees in
9 connection with their assistance in achieving this unauthorized
10 and illegal takeover.

11
12 (42) In early 1982, Lenske, on behalf of Miscavige,
13 Spurlock, Starkey, and several others, incorporated ASI which
14 became the corporate entity controlling Church of Scientology
15 bank accounts and assets. In fact, the officers and directors
16 of ASI, which included Miscavige, Starkey, and Spurlock,
17 possessed no authority from any Church of Scientology cor-
18 poration to control its bank accounts and property.

19
20 (43) At the same time as the incorporation of
21 ASI, Lenske on behalf of Miscavige, incorporated Religious
22 Technology Center (RTC). Between January 1982 and June
23 1982, Lenske represented ASI, RTC, L. Ron Hubbard, and various
24 Scientology corporations in the transfer of moneys, property
25 and assets belonging to various Scientology corporations.
26 Lenske also prepared a will and an inter vivos trust on behalf
27 of Hubbard, which was witnessed by Pat Broeker, Ann Broeker,
28 and David Miscavige. RTC became the trustee of said Trust.

1 The assets of various Scientology corporations, which were
2 taken over by ASI in 1982, included bank accounts, personal
3 property, real property and current income of the various cor-
4 porations. The Charters of these corporations were violated
5 in the take-over by ASI. The charters of each corporation
6 provided that the corporate affairs were to be regulated and
7 managed by the Boards of Directors and said corporations,
8 when in fact, the various Boards of Directors of each Scien-
9 tology corporation were illegally controlled by ASI.

10

11 (44) On or about October 17, 1982, after establishing
12 ASI and RTC, and obtaining control over all corporate bank
13 accounts throughout the world, Miscavige held a meeting of
14 approximately 200 franchise holders operating Scientology
15 corporations in San Francisco, California. At said meeting,
16 Miscavige informed the various franchise holders, of the
17 fact that he and the RTC had taken over all Scientology
18 organizations. Miscavige stated as follows:

19 "All the Scientology/Dianetics trademarks were
20 previously owned by L. Ron Hubbard. L. Ron Hubbard
21 has donated the vast majority of those to a cor-
22 poration which some of you have probably never
23 heard of, by the name of Religious Technology
24 Center."

25 Miscavige further stated that every franchise holder would
26 be required to sign a new agreement with RTC and that if
27 they did not do so, they would be "fined or thrown into
28 jail." Individuals who objected to the RTC and ASI take-over

1 of the assets were literally locked into rooms and interrogated
2 with a crude lie detector and either forced to sign the new
3 agreements or removed from their positions.

4 (45) Between March 1982 and November 1982, Mis-
5 cavige, Spurlock and others through ASI, illegally transferred
6 over 40 million dollars of funds belonging to the Church of
7 Scientology to bank accounts of ASI in Leichtenstein and
8 Luxembourg. These funds were transferred based on overtly
9 false or exaggerated billings by ASI to the Church of Scien-
10 tology.

11 (46) Between November 1982 and the present, the
12 Church of Scientology has paid millions of dollars in attor-
13 neys fees to Sherman Lenske and John Peterson without the
14 requisite authority of the officers and directors of the
15 Church of Scientology corporations. These attorneys fees
16 have been used as a money-laundering scheme to extort moneys
17 from the Church of Scientology.

18 (47) Between January, 1982 and the present, Mis-
19 cavige and ASI have illegally expended the following sums
20 for unlawful purposes:

21 a) In April 1982, Miscavige ordered the payment
22 of \$250,000 to "set up" and frame United
23 States District Judge Ben Krentzman in a
24 scheme to compromise him with drugs and prosti-

tutes.

(b) In April-June 1982, Miscavige and ASI ordered the payment of hundreds of thousands of dollars to Attorney Dan Warren in Daytona, Florida to "pay off" State Circuit Judge James Durden who was then sitting as Justice on a Scientology case.

(c) In March, 1983, Miscavige, Lenske, Peterson and ASI ordered the payment of in excess of one million dollars to "set up" and frame attorney Michael J. Flynn of Boston, Massachusetts, in an alleged attempt to forge a two-million dollar check of L. Ron Hubbard. To date, millions of dollars have been paid to John Peterson, and Eugene Ingram, a private investigator to perpetrate the above described illegal scheme.

FIRST CAUSE OF ACTION

The plaintiffs, and each of them, allege as a first cause of action against defendants and each of them, for declaratory relief pursuant to California Code of Civil Procedure §1060 as follows:

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1 (48) Plaintiffs repeat and reallege each and every
2 allegation contained in paragraphs 1 through 60 and incorporate
3 them herein by reference as though fully set forth.

4

5 (49) An acutal controversy has arisen and now
6 exists between plaintiffs and defendants concerning their re-
7 spective rights and duties in that plaintiffs contend that
8 the defendants owe to the plaintiffs the duties of a fiduciary
9 because of their positions in controlling assets and funds of
10 a California non-profit religious corporation, and further
11 contend that these duties have been breached as set forth
12 above, and specifically contend that defendants David Mis-
13 cavige, Ann Broeker, and Pat Broker, through corporate self
14 dealings, did transfer income and assets belonging to plain-
15 tiff Church of Scientology of California, Inc., and Church of
16 Scientology International to defendant Author Services, Inc.,
17 Sherman Lenske, and John Peterson, and various other unnamed
18 defendants, and each of them, have converted to their own
19 use income and assets of plaintiffs' Church. Defendants
20 presently hold by force, the income and assets described above
21 and defendants and each of them are also holding in their
22 possession and under their control items of personal property
23 and real property belonging to the plaintiff Church.

24

25 (50) Plaintiffs desire a judicial determination
26 of their rights and duties in a written declaration as to the
27 rights, duties and obligations of the defendants; and each of
28 them, in regard to the ownership and possession of the income

1 and assets of the plaintiff Church and as to whether a con-
2 structive trust shall be impressed upon the income and assets
3 of the plaintiff Church now being held by said defendants.
4 A judicial declaration is necessary and appropriate at this
5 time under the circumstances in order that plaintiffs may
6 ascertain their rights and duties in regard to the assets,
7 income, bank accounts, personal property and real property
8 of plaintiff which is essential so that plaintiff can carry
9 on its religious activities.

10
11 (51) Contrary to the articles and bylaws of the
12 Church of Scientology of California, Inc., which owned the
13 income, bank account, personal property and real property
14 prior to the defendants, the defendants caused directors
15 and officers of the defendants to take control of plaintiff
16 Church of Scientology of California, Inc. and illegally alien-
17 ate its assets.

18
19 (52) A judicial declaration is necessary and appro-
20 priate at this time under the circumstances in order that
21 plaintiff may ascertain its rights and duties as a valid,
22 existing, non-profit religious corporation with ownership and
23 possession of the personal property, real property, income and
24 bank accounts illegally alienated by the defendants.

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SECOND CAUSE OF ACTION

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Plaintiffs and each of them alleges a second cause of action against the defendants and each of them for injunctive relief as follows:

(53) Plaintiffs repeat and reallege each and every allegation contained in paragraph 1 through 52 hereof and incorporate them herein by reference as though fully set forth.

(54) Unless preliminarily and permanently enjoined by this Court, defendants and each of them will continue their illegal and unauthorized possession and control of personal property, real property, income, bank accounts and other assets of plaintiffs and there exists no adequate remedy at law.

Therefore, plaintiffs and each of them pray for the injunctive relief set forth in the prayers and claims for damages recited in this Complaint.

THIRD CAUSE OF ACTION

Plaintiffs and each of them, alleges a third cause of action against defendants' self-interested dealings in violation of California corporation code §9243 as follows: plaintiffs repeat and reallege each and every allegation

1 in companion paragraphs 1 through , and incorporate them
2 herein by reference as though fully set forth.

3

4 (55) The payment and transfer of all sums by
5 the Church of Scientology to David Miscavige, Lyman Spurlock,
6 Pat Broeker, and ASI was in violation of §9243 of the Cali-
7 fornia Corporations Code.

8

9 (56) Plaintiffs are, therefore, entitled under
10 California Corporations Code, §9243(h)(1)-(3) to an order
11 of this Court to defendants to account for any profits made
12 from such transactions to pay such profits to plaintiffs,
13 to pay plaintiffs the value of the use of the property while
14 it was wrongfully in the possession of said defendants, and
15 to return all real and personal property, and all funds un-
16 lawfully transferred from plaintiff as a result of the trans-
17 actions herein described.

18

19 (57) Plaintiffs are entitled to an award of pre-
20 judgment interest to the extent allowed in §3287 and §3288 of
21 the California Civil Code because of the directive self-dealing
22 transaction described above.

23

24 (58) The aforementioned acts of defendants were
25 intentional, deliberate, willful, wanton, malicious and op-
26 pressive and amounted to a fraud against plaintiffs and each
27 of them. Plaintiffs are entitled to recover punitive damages
28 in the amount of five million dollars.

FOURTH CAUSE OF ACTION

Plaintiffs and each of them, alleges a fourth cause of action against defendants for Restitution as follows:

(59) Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1 through 58, and incorporate the same by reference as though fully set forth herein.

(60) On or about January 1980, defendants illegally took control of Church bank accounts and assets and continue and refuse to restore said bank accounts and assets to plaintiffs.

(61) Plaintiffs are entitled to an order of this Court declaring that all of the assets, bank accounts, personal property and real property unlawfully seized by the defendant were and are cancelled.

(62) Plaintiffs are further entitled to a writ of possession granting to plaintiffs the right of immediate possession and control of all real property of said Church of Scientology.

FIFTH CAUSE O ACTION

Plaintiffs, and each of them, alleges a fifth cause of action against defendants, and each of them, for

1 conversion as follows:

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3 (63) Plaintiffs repeat and reallege each and
4 every allegation contained in paragraphs 1 through 62 above,
5 and incorporate them herein by reference as though fully
6 set forth.

7

8 (64) At all times pertinent to this action,
9 plaintiffs were, and still are, the lawful owners, and
10 were, and still are, entitled to possession of certain
11 personal property, specifically: all furniture, office
12 equipement, offset press and holder, E-meters, books, file
13 cabinets, mailing lists, tape recorders, television receivers,
14 telephones, and all other items of personal property
15 every kind located in or about the real property of plaintiff.

16

17 (65) On or about January 1980, in Los Angeles,
18 California, the above mentioned personal property had a
19 reasonable value in excess of one million dollars.

20

21 (66) Plaintiffs are informed and believe and there-
22 fore allege that defendants and each of them without authori-
23 zation from plaintiffs, did wrongfully take and convert to
24 their own use the items of personal property, more particularly
25 described above.

26

27 (67) Plaintiffs are informed and believe and there-
28 fore allege that continuing to the date of the filing of this

1 Complaint. Defendants, and each of them, maliciously,
2 intentionally and unlawfully conspired together to convert
3 the personal property of plaintiffs to their own use.

4
5 (68) The aforementioned acts of the defendants,
6 and each of them, were intentional, deliberate, willful,
7 wanton, malicious and oppressive and in reckless disregard
8 of the rights of the plaintiffs. Plaintiffs and each of them
9 are therefore, entitled to recover punitive damages in an
0 amount of one million dollars.

1
2 SIXTH CAUSE OF ACTION

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4 Plaintiffs, and each of them, alleges a sixth
5 cause of action against defendants and each of them, unjust
6 enrichment requiring a constructive trust as follows:

7
8 (69) Plaintiffs repeat and reallege each and
9 every allegation contained in paragraphs 1 through 68 above,
0 and incorporate them herein by reference as though fully
1 set forth.

2
3 (70) Plaintiffs are informed and believe and there-
4 fore allege that defendants, and each of them, acting in
5 concert, intend to use the funds and income, the converted
6 personal property, and the wrongfully acquired real property
7 for their own benefit and profit. Because of the unlawful
8 taking of funds, in said conversion and wrongful acquisition.

1 of personal and real property, through the breach of fiduciary
2 duty as hereinabove alleged, and because defendants by their
3 conduct have been and will be unjustly enriched at the expense
4 of plaintiffs, a constructive trust should be impressed upon
5 the personal property, their bank accounts, and the real
6 property, all of which property now is being held by the
7 defendants. By the terms of said constructive trust, defen-
8 dants and each of them should be required to keep safe and
9 maintain the bank accounts, the personal and real property
10 of plaintiffs, any profits that the defendants realize should
11 be required to be held for the benefit of plaintiffs and
12 defendants and each of them should refrain from any and all
13 liquidations or transfers of any of the personal or real
14 property of plaintiffs.

15
16 WHEREFORE, plaintiffs and each of them pray for
17 judgment as follows:

18
19 AS TO THE FIRST CAUSE OF ACTION AGAINST
20 ALL DEFENDANTS:

21
22 1. For a judicial determination of the rights and
23 duties of the plaintiffs.

24
25 2. For a declaration as to the rights, duties and
26 obligations of defendants, and each of them, in regard to
27 the possession of the bank accounts, personal property and
28 real property now held by the defendants.

1 AS TO THE SECOND CAUSE OF ACTION AGAINST
2 ALL DEFENDANTS:

3 1. For a preliminary and permanent injunction
4 against the defendants and each of them enjoining said
5 defendants from transferring, alienating or paying any
6 sums from any of the bank accounts of the plaintiffs or trans-
7 ferring or alienating any of the real and personal property
8 of the plaintiffs.

9
10 AS TO THE THIRD CAUSE OF ACTION AGAINST
11 ALL DEFENDANTS:

12 1. For general damages in the sum of
13 and special damages according to proof at trial.

14
15 2. For punitive damages in the amount of

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17
18 AS TO THE FOURTH CAUSE OF ACTION AGAINST
19 ALL DEFENDANTS:

20 1. For a writ of possession granting plaintiffs
21 the right of immediate physical possession and control of the
22 real property of the plaintiffs.

23
24 AS TO THE FIFTH CAUSE OF ACTION AGAINST
25 ALL DEFENDANTS:

26 1. For general and special damages according to
27 proof.

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1 2. For punitive damages in an amount of one million
2 dollars.

3

4 AS TO THE SIXTH CAUSE OF ACTION AGAINST
5 ALL DEFENDANTS:

6 1. For the impression of a constructive trust on
7 any property of the plaintiffs, including but not limited to,
8 personal property, real property and the bank accounts.

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